

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

AMBULATORY INFUSION THERAPY	§	
SPECIALISTS, INC.,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION NO. H-05-4389
	§	
AETNA LIFE INSURANCE COMPANY	§	
and PRUDENTIAL INSURANCE CO.,	§	
	§	
Defendants.	§	

**ORDER RETAXING COSTS**

On January 30, 2007, this court granted the defendants' summary judgment motion, entering final judgment in the defendants' favor and ordering the plaintiff to pay costs. On February 13, 2007, the defendants submitted a bill of costs for \$2,183.45. On February 28, 2007, the plaintiff timely moved this court to reconsider the costs assessed, objecting on several grounds. (Docket Entry No. 38). The plaintiff argues that the defendants' request for \$255.60 in copying and printing fees, for which the defendants charged \$0.20 per page, is excessive. The plaintiff also objects that the \$1,677.85 charge for videotaping a deposition and expediting the transcript of a witness was not warranted under 28 U.S.C. § 1920. Finally, the plaintiff argues that the defendants' \$250 clerk of court fee for removing this case from state court to federal court is not a taxable cost.

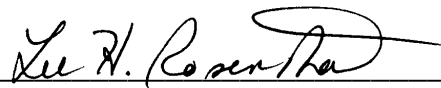
The defendants have responded. (Docket Entry No. 40). The defendants maintain that their copying and printing fees are reasonable and necessary. The defendants point to

the affidavit attached to their bill of costs, which states that the expenses “were necessarily incurred in this action.” (Docket Entry No. 36, Ex. 1). The defendants also argue that assessment of the \$250 removal fee is permitted under the statute. They agree to waive the fees associated with videotaping the deposition and expediting the transcript, reducing their requested costs from \$2,183.45 to \$1,188.30.

The defendants’ costs for copying and printing are not excessive and are adequately itemized. The defendants list the documents copied, the number of pages in each document, the number of copies made, and the cost per page. The affidavit supports the necessity of the costs in pursuing the action and neither the rate (\$0.20 per page) or number of copies (two) is unreasonable. The \$250 removal fee is expressly allowed under 28 U.S.C. § 1920. This court amends the bill of costs to reflect the defendants’ agreement to waive the costs for videotaping and expediting the transcript of a deposition.

The plaintiff, Ambulatory Infusion Therapy Specialist, Inc., is ordered to pay the defendants’ costs in the amount of \$1,188.30.

SIGNED on April 3, 2007, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal", is written over a horizontal line.

Lee H. Rosenthal  
United States District Judge